1. Paragraph (a) is revised to read as follows:

(a) *Applying for funds.* Funds to pay allowances and reimbursements as defined in this subpart may be requested as part of any community action program application, or as an amendment to an existing program, but approval is subject to the availability of funds.

2. The second sentence of paragraph (b) is revised to read "Grantees shall obtain from individuals requesting reimbursement appropriate documentation of actual expenses incurred."

3. Paragraph (d) is revised to read as follows:

(d) *Public records.* The accounting records of allowance payments and expense reimbursements are required to be available for public inspection under the rules set forth in Subpart 1070.1 of this chapter.

WESLEY L. HJORNEVIK,
*Deputy Director.*

[FR Doc.72-17307 Filed 10-10-72;8:47 am]

## PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

### Subpart—Travel Regulations for CAP Grantees and Delegate Agencies (OEO Instruction 6910-1)

MISCELLANEOUS AMENDMENTS

Subpart 1069.3 of Part 1069 of Chapter X of Title 45 of the Code of Federal Regulations is amended as follows:

1. Section 1069.3-1 is revised to read as follows:

**§ 1069.3-1 Applicability of this subpart.**

This subpart applies to all grant programs financially assisted under titles I-D, II, and III-B of the Economic Opportunity Act, as amended, if the assistance is administered by OEO.

**§ 1069.3-4 [Amended]**

2. The second sentence of subparagraph (2) of paragraph (a) of § 1069.3-4 *General travel regulations* is revised to read as follows: "In no event, however, may the rates paid exceed 11 cents a mile."

3. A new § 1069.3-7 is added to read as follows:

**§ 1069.3-7 Effective date.**

The increase in the maximum rate of reimbursement for travel by privately owned automobile may be applied to travel on or after January 20, 1972, for those grantees and delegate agencies whose travel policies provide for using mileage rates in the Standardized Government Travel Regulations. Each grantee and delegate agency must determine whether the new maximum mileage rate will apply retroactively for travel undertaken between January 20, 1972, and April 5, 1972. Increased travel costs that may occur as a result must be absorbed within existing grant funds.

WESLEY L. HJORNEVIK,
*Deputy Director.*

[FR Doc.72-17305 Filed 10-10-72;8:47 am]

## PART 1069—COMMUNITY ACTION PROGRAM GRANTEE PERSONNEL MANAGEMENT

### Subpart—Per Diem Rates for OEO Grantees and Delegate Agencies (OEO Instruction 6910-2a)

Part 1069 of Chapter X of Title 45 of the Code of Federal Regulations is amended to read as follows:

1. Section 1069.3-7 *Per diem rates for OEO grantees and delegate agencies* is recodified as Subpart 1069.4.

2. The table of contents for Subpart 1069.4 is as follows:

Sec.
1069.4-1 Applicability of this subpart.
1069.4-2 Purpose.
1069.4-3 Background.
1069.4-4 Policy.
1069.4-5 Establishing per diem rates.
1069.4-6 Computation of per diem.
1069.4-7 Supply of per diem regulations.

AUTHORITY: The provisions of this subpart issued under section 602(n), 78 Stat. 530; 42 U.S.C. 2942.

3. Sections 1069.4-1 and 1069.4-2 are amended to read as follows:

**§ 1069.4-1 Applicability of this subpart.**

This subpart applies to all grant programs financially assisted under titles I-D, II, and III-B of the Economic Opportunity Act, as amended, if the assistance is administered by the Office of Economic Opportunity.

**§ 1069.4-2 Purpose.**

The purpose of this subpart is to establish the method for OEO grantees and delegate agencies to compute per diem.

4. Paragraph (a) of § 1069.3-7 is recodified as § 1069.4-3 and is revised to read as follows.

**§ 1069.4-3 Background.**

Public Law 91-114 amended the Standardized Government Travel Regulations (SGTR) by increasing the authorized maximum per diem rate from $16 to $25 for travel within the limits of the continental United States (the 48 contiguous States and the District of Columbia). The Office of Management and Budget has prescribed in Circular A-7, Standardized Government Travel Regulations, dated August 17, 1971, that all Government agencies shall fix per diem rates partly on the basis of the average amount the traveler pays for lodgings and that to this amount a suitable allowance for meals and miscellaneous expenses shall be added. The total per diem, however, Transportation Allowance Committee, Department of Defense, prescribes the per diem rates for civilian travel by Federal employees in Alaska, Hawaii, the Commonwealth of Puerto Rico, the Canal Zone, and possessions of the United States. These rates are published in the Civilian Personnel Per Diem Bulletin.

5. Paragraph (b) of § 1069.3-7 is recodified as § 1069.4-4 and is revised to read as follows:

**§ 1069.4-4 Policy.**

Although the Standardized Government Travel Regulations do not apply by their terms to OEO grantees or delegate agencies, OEO has reached the conclusion that the regulations contained therein represent reasonable restrictions and limitations which OEO grantees and delegate agencies should not exceed. Grantees and delegate agencies that follow the travel policies in the SGTR are authorized to reimburse employees, consultants, and members of governing or administrative boards up to a maximum per diem rate of $25 for official travel within the continental United States. However, the amount of per diem paid must be based on the average lodging cost per trip (including applicable taxes) not to exceed $13, plus a daily allowance for meals and miscellaneous expenses not to exceed $12. If an agency's own travel policies establish a lower maximum per diem rate, or the terms of its grants require a lower rate, the lower maximum applies. The maximum rates adopted by a grantee or delegate agency for official travel outside the continental United States shall be no higher than those prescribed by the Civilian Personnel Per Diem Bulletin.

6. Paragraph (c) of § 1069.3-7 is recodified as § 1069.4-5 establishing per diem rates and in the first sentence the word "new" is deleted.

7. Paragraph (d) of § 1069.3-7 is deleted.

8. Section 1069.4-6 is added to read as follows:

**§ 1069.4-6 Computation of per diem.**

(a) *General.* Per diem rates will be computed partly on the basis of the average amount the traveler pays for lodgings (not to exceed $13), plus a suitable allowance (subsistence) for meals and miscellaneous expenses not to exceed $25 in total (lodging, plus subsistence). The resulting amount should be rounded to the next whole dollar, if the result is not in excess of the maximum per diem. If the amount (average lodging plus subsistence) is more than the maximum per diem allowable, the maximum per diem will be the amount allowed. Travelers will be required to furnish hotel and motel receipts for lodging when they request reimbursement for travel.

(b) *Period of entitlement.* The traveler is entitled to per diem from the time he leaves his home or office for official travel to the time of return to his home or office at the end of a trip; i.e., portal to portal. However, when the beginning time is within 30 minutes prior to the

end of a quarter day, per diem for such quarter day will not be allowed without a statement with the travel voucher explaining the official necessity for such departure or arrival.

(c) *Method of computation.* Per diem will be computed as follows:

Example (a).

| Time and date | Lodging cost | Number of quarters |
|---|---|---|
| 10:30 a.m., Nov. 1 | $20 | 3 |
| 10:30 a.m., Nov. 2 | 18 | 4 |
| 10:30 a.m., Nov. 3 | (1) | 4 |
| 4:45 p.m., Nov. 4 | (2) | 3 |
| Total | 38 | 14 |

$38 lodgings÷3 night's travel=$12.60 per night rounded up to a $13 average per night.
$13 lodging average and $12 (meals and miscellaneous expenses)=$25 per diem.
$25×3½ days=$87.50 total per diem reimbursement for trip.

Example (b).

| Time and date | Lodging cost | Number of quarters |
|---|---|---|
| 7 p.m., Oct. 4 | $12 | 1 |
| 7 p.m., Oct. 5 | 11 | 4 |
| 7 p.m., Oct. 6 | (1) | 4 |
| 7 p.m., Oct 7 | 13 | 4 |
| 7 p.m., Oct. 8 | 13 | 4 |
| 4 p.m., Oct. 9 | (2) | 3 |
| Total | 49 | 20 |

$49 lodgings÷5 nights=$9.80 per night, rounded up to $10 average per night.
$10 lodging average and $12 (meals and miscellaneous expenses)=$22 per diem.
$22×5=$110 total per diem reimbursement for the trip.

[1] Free lodging for the night is assumed.
[2] Lodging costs were not incurred.

9. Paragraph (e) of § 1069.3–7 is recodified as § 1069.4–7 and is revised to read as follows:

**§ 1069.4–7 Supply of per diem regulations.**

Copies of the Standardized Government Travel Regulations are attached to OEO Instruction 6910–2a. Copies of the Civilian Personnel Per Diem Bulletin will be provided to grantees and delegate agencies that travel in these areas upon request to the appropriate Regional Offices. Headquarters-funded grantees will receive copies from the funding office.

WESLEY L. HJORNEVIK,
*Deputy Director.*

[FR Doc.72-17306 Filed 10-10-72;8:47 am]

# Title 49—TRANSPORTATION

## Chapter III—Federal Highway Administration, Department of Transportation

### SUBCHAPTER B—MOTOR CARRIER SAFETY REGULATIONS

[Docket No. MC–9; Notice 72–17]

## PART 393—PARTS AND ACCESSORIES NECESSARY FOR SAFE OPERATION

### Coupling Devices and Towing Methods

On August 6, 1971, the Director of the Bureau of Motor Carrier Safety issued a notice of proposed rule making, in which he announced that he was considering a revision of § 393.70 of the Motor Carrier Safety Regulations, dealing with coupling and towing of articulated motor vehicles (other than vehicles used in driveaway-towaway operations), and an amendment to § 393.71 of the regulations, which pertains to coupling devices and towing methods for vehicles engaged in driveaway-towaway operations, to update the reference to an SAE standard (36 F.R. 14477, as corrected, 36 F.R. 17513).

The major feature of the proposal was the addition of requirements under which fifth wheel upper and lower half assemblies and full trailer towing devices would be certified and marked by their manufacturers with maximum gross load ratings, and commercial motor carriers using those assemblies and devices would be prohibited from using them to tow loads in excess of the ratings. The majority of the comments received in response to the notice was directed to the practicability of this scheme. Persons commenting indicated that, while a marking system appears to be meritorious as a means of conveying information to a driver, the weight of the towed vehicle should not be used as the sole benchmark for determining the capabilities of the coupling system. According to these comments, jerk loads, braking-induced loads, and loads generated during the coupling operations all must be considered in determining minimum strength characteristics of a coupling system. The respondents suggested that various portions of SAE Recommended Practices J700b, J133, and J848a should be considered for adoption as the criteria.

The Director, after considering these comments and other available data, has concluded that the marking scheme, as proposed, is not practicable at this time. Further research and study must be done along the lines suggested by the comments to develop a practicable marking requirement that can be safely implemented by the motor carrier industry. Accordingly, this aspect of the proposal is not now being implemented. The Bureau will continue to study this issue. If implementation of a marking requirement is deemed advisable in the future, another notice of proposed rule making will be issued to permit interested persons to comment on its contents.

The Director is, however, revising § 393.70 in an attempt to restate its present requirements with greater clarity and to make some changes to improve safety in light of comments and other data. Under § 393.70(f)(1) of the current rules, it is possible for safety chains, or devices having the same purpose as safety chains, to be attached to the pintle hook casting or forging of the towing vehicle. The Director is removing this exemption from the general prohibition against attaching safety devices in the nature of safety chains to the pintle hook or its backup support structure, effective with respect to vehicles having pintle hooks (or other tow-bar attachment devices) manufactured after July 1, 1973. The objective of this changed requirement—found in § 393.70(d)(1) of the revised rules—is to eliminate the possibility of total separation of the towed unit from the towing unit in the event of a failure of either the pintle hook or its supporting structure.

Section 393.71(h)(8) is being amended to update the reference to the SAE standard applicable to hitches and coupling systems used in driveaway-towaway operations of passenger car trailers. One person who responded to the notice of proposed rule making took the view that the reference to SAE Recommended Practice J684c would impose unnecessarily severe requirements upon motorists who use trailer hitches to tow recreational or utility vehicles. It is clear, however, that the rules now being issued, as well as all of the provisions of the Motor Carrier Safety Regulations, apply only to commercial interstate or foreign operations and are inapplicable to recreational or other pleasure trips in which motorists use combination vehicles. The imposition of a higher standard for commercial operations seems clearly warranted in light of the higher usage rates of commercial driveaway-towaway operations and the heavy-duty uses to which equipment employed in those operations is subjected.

In consideration of the foregoing, Part 393 of the Motor Carrier Safety Regulations (Subchapter III in Title 49, CFR) is amended as set forth below.

*Effective date.* These amendments are effective on July 1, 1973.

(Sec. 204 of the Interstate Commerce Act, as amended, 49 U.S.C. 304, section 6 of the Department of Transportation Act, 49 U.S.C. 1655, and the delegations of authority at 49 CFR 1.48 and 389.4)

Issued on September 30, 1972.

ROBERT A. KAYE,
*Director,*
*Bureau of Motor Carrier Safety.*

I. Section 393.70 of the Motor Carrier Safety Regulations is revised to read as follows:

**§ 393.70 Coupling devices and towing methods, except for driveaway-towaway operations.**

(a) *Tracking.* When two or more vehicles are operated in combination, the coupling devices connecting the vehicles shall be designed, constructed, and installed, and the vehicles shall be designed and constructed, so that when the combination is operated in a straight line on a level, smooth, paved surface, the path of the towed vehicle will not deviate more than 3 inches to either side of the path of the vehicle that tows it.

(b) *Fifth wheel assemblies*—(1) *Mounting*—(i) *Lower half.* The lower half of a fifth wheel mounted on a truck tractor or converter dolly must be secured to the frame of that vehicle with properly designed brackets, mounting plates or angles and properly tightened bolts of adequate size and grade, or devices that provide equivalent security. The installation shall not cause cracking, warping, or deformation of the frame. The installation must include a device for positively preventing the lower half

of the fifth wheel from shifting on the frame to which it is attached.

(ii) *Upper half.* The upper half of a fifth wheel must be fastened to the motor vehicle with at least the same security required for the installation of the lower half on a truck tractor or converter dolly.

(2) *Locking.* Every fifth wheel assembly must have a locking mechanism. The locking mechanism, and any adapter used in conjunction with it, must prevent separation of the upper and lower halves of the fifth wheel assembly unless a positive manual release is activated. The release may be located so that the driver can operate it from the cab. If a motor vehicle has a fifth wheel designed and constructed to be readily separable, the fifth wheel locking devices shall apply automatically on coupling.

(3) *Location.* The lower half of a fifth wheel shall be located so that, regardless of the condition of loading, the relationship between the kingpin and the rear axle or axles of the towing motor vehicle will properly distribute the gross weight of both the towed and towing vehicles on the axles of those vehicles, will not unduly interfere with the steering, braking, and other maneuvering of the towing vehicle, and will not otherwise contribute to unsafe operation of the vehicles comprising the combination. The upper half of a fifth wheel shall be located so that the weight of the vehicles is properly distributed on their axles and the combination of vehicles will operate safely during normal operation.

(c) *Towing of full trailers.* A full trailer must be equipped with a tow-bar and a means of attaching the tow-bar to the towing and towed vehicles. The tow-bar and the means of attaching it must—

(1) Be structurally adequate for the weight being drawn;

(2) Be properly and securely mounted;

(3) Provide for adequate articulation at the connection without excessive slack at that location; and

(4) Be provided with a locking device that prevents accidental separation of the towed and towing vehicles. The mounting of the trailer hitch (pintle hook or equivalent mechanism) on the towing vehicle must include reinforcement or bracing of the frame sufficient to produce strength and rigidity of the frame to prevent its undue distortion.

(d) *Safety devices in case of tow-bar failure or disconnection.* Every full trailer and every converter dolly used to convert a semitrailer to a full trailer must be coupled to the frame, or an extension of the frame, of the motor vehicle which tows it with one or more safety devices to prevent the towed vehicle from breaking loose in the event the tow-bar fails or becomes disconnected. The safety device must meet the following requirements:

(1) The safety device must not be attached to the pintle hook or any other device on the towing vehicle to which the tow-bar is attached. However, if the pintle hook or other device was manufactured prior to July 1, 1973, the safety device may be attached to the towing vehicle at a place on a pintle hook forging or casting if that place is independent of the pintle hook.

(2) The safety device must have no more slack than is necessary to permit the vehicles to be turned properly.

(3) The safety device, and the means of attaching it to the vehicles, must have an ultimate strength of not less than the gross weight of the vehicle or vehicles being towed.

(4) The safety device must be connected to the towed and towing vehicles and to the tow-bar in a manner which prevents the tow-bar from dropping to the ground in the event it fails or becomes disconnected.

(5) Except as provided in subparagraph (6) of this paragraph, if the safety device consists of safety chains or cables, the towed vehicle must be equipped with either two safety chains or cables or with a bridle arrangement of a single chain or cable attached to its frame or axle at two points as far apart as the configuration of the frame or axle permits. The safety chains or cables shall be either two separate pieces, each equipped with a hook or other means for attachment to the towing vehicle, or a single piece leading along each side of the tow-bar from the two points of attachment on the towed vehicle and arranged into a bridle with a single means of attachment to be connected to the towing vehicle. When a single length of cable is used, a thimble and twin-base cable clamps shall be used to form the forward bridle eye. The hook or other means of attachment to the towing vehicle shall be secured to the chains or cables in a fixed position.

(6) If the towed vehicle is a converter dolly with a solid tongue and without a hinged tow-bar or other swivel between the fifth wheel mounting and the attachment point of the tongue eye or other hitch device—

(i) Safety chains or cables, when used as the safety device for that vehicle, may consist of either two chains or cables or a single chain or cable used alone;

(ii) A single safety device, including a single chain or cable used alone as the safety device, must be in line with the centerline of the trailer tongue; and

(iii) The device may be attached to the converter dolly at any point to the rear of the attachment point of the tongue eye or other hitch device.

(7) Safety devices other than safety chains or cables must provide strength, security of attachment, and directional stability equal to, or greater than, safety chains or cables installed in accordance with subparagraphs (5) and (6) of this paragraph.

(8) When two safety devices, including two safety chains or cables, are used and are attached to the towing vehicle at separate points, the points of attachment on the towing vehicle shall be located equally distant from, and on opposite sides of, the centerline of the towing vehicle. Where two chains or cables are attached to the same point on the towing vehicle, and where a bridle or a single chain or cable is used, the point of attachment must be on the longitudinal centerline of the towing vehicle. A single safety device, other than a chain or cable, must also be attached to the towing vehicle at a point on its longitudinal centerline.

II. Section 393.71(h)(8) of the Motor Carrier Safety Regulations is revised to read as follows:

**§ 393.71 Coupling devices and towing methods, driveaway-towaway operations.**

* * * * *

(h) *Requirements for tow-bars.* Tow-bars shall comply with the following requirements:

* * * * *

(8) *Passenger car-trailer type couplings.* Trailer couplings used for driveaway-towaway operations of passenger car trailers shall conform to Society of Automotive Engineers Standard No. J684c, "Trailer Couplings and Hitches—Automotive Type," July 1970.[1]

* * * * *

[FR Doc.72-17316 Filed 10-10-72;8:48 am]

# Title 6—ECONOMIC STABILIZATION

## Chapter III—Price Commission

## PART 300—PRICE STABILIZATION

### Institutional Providers of Health Services; Uniform Rates for Nursing Homes

The purpose of this amendment is to revise § 300.18 by adding a new paragraph (i) which will permit certain institutional health providers to accept increased state uniform payments for nursing home services.

Payments to institutional providers of health services on behalf of patients under title XIX of the Social Security Act (Medicaid) or similar aid programs are set in accordance with State laws and regulations. Many States reimburse nursing homes for costs incurred by Medicaid patients on a uniform rate basis which may be an amount less than or equal to cost. In the past year nursing homes have been inspected to verify that Medicaid's quality standards are being met. As a result, about 9 percent of the nursing homes were decertified, and approximately 70 percent were required to make improvements. As the States establish new uniform rates, those new rates will reflect the increased costs of conformity to standards as well as cost increases, changes in the proportion of costs paid by the uniform rate, and, in some instances, cost increases for past years.

The new paragraph (i) of § 300.18 allows skilled nursing homes, extended care facilities, and intermediate care facilities to increase their prices for health care to Medicaid or other aid recipients

[1] Copies of the SAE standard may be obtained from the Society of Automotive Engineers, 2 Pennsylvania Plaza, New York, NY 10001.

when their State has certified the increased uniform rate to the Price Commission and when such a home or facility has increased no other prices during the fiscal year.

Under this procedure the State would certify through its single State agency for the administration of title XIX of the Social Security Act. In the event the State does not have such an agency, the Governor may designate the department of health or welfare to act as the certifier for the State. Prior to certification, the certifying agent must obtain a certificate of compliance from the Price Commission.

The State's certification must contain the former price; the date it was established; the new price; the percentage increase; the proposed effective date of the new price; and a statement that the new price to be paid for the purchase of health services from skilled nursing homes, extended care facilities, or intermediate care facilities is based on uniform rates set by the State, county or municipal government, is cost related, is necessary to implement and maintain the minimum standards of service required by Federal or State regulations, or both, and is, in the opinion of the certifier, not inflationary within the meaning of the Economic Stabilization Program guidelines.

In the event that an institutional provider has increased the price for services to other than Medicaid or similar aid program recipients during the fiscal year in which the uniform rate increase is effective, paragraph (i)(1) will not apply unless the provider rescinds all price increases made since the end of the prior fiscal year and remits to customers the revenues derived from charging prices in excess of the prior year's prices.

However, should an institutional provider increase the price for any other service after charging an increased price under the new paragraph (i) for aid recipients, the requirements of § 300.18 (a)–(h) will apply to all of the increased prices. Revenues derived both from price increases made subject to paragraph (i) and from any other price increase will then be included in the calculation of net revenue or profit margins and the limitation on aggregate annual revenues. In addition, each price increased above base must be justified by increases in allowable costs.

Since the purpose of this amendment is to provide immediate information and guidance with respect to compliance with price stabilization rules, it is hereby found that further notice and public procedure is impracticable and that good cause exists for making it effective in less than 30 days after publication in the FEDERAL REGISTER.

(Economic Stabilization Act of 1970, as amended, Public Law 90–379, 84 Stat. 799; Public Law 91–558, 84 Stat. 1486; Public Law 92–8, 85 Stat. 13; Public Law 92–15, 85 Stat. 38; Economic Stabilization Act Amendments of 1971, Public Law 92–210, 85 Stat. 743; E.O. 11640, 37 F.R. 1213, Jan. 27, 1972; Cost of Living Council Order No. 4, 36 F.R. 20202, Oct. 16, 1971)

In consideration of the foregoing, Part 300 of Title 6 of the Code of Federal Regulations is amended as set forth herein, effective October 6, 1972.

Issued in Washington, D.C., on October 6, 1972.

C. JACKSON GRAYSON, Jr.,
*Chairman, Price Commission.*

Section 300.18 is amended by adding the following new paragraph at the end thereof:

**§ 300.18 Institutional providers of health services.**

* * * * *

(i) *Uniform rates.* (1) Notwithstanding any other provision of this section, a skilled nursing home, extended care facility or intermediate care facility may charge a price in excess of the base price when the increased price has been certified to the Price Commission by the certifying agent for the State in which the provider is located and when the provider has not increased any other price during the fiscal year in which this increase becomes effective. If the provider has increased any other price, it may increase a price subject to this paragraph only if it—

(i) Rescinds all price increases made since the end of the fiscal year immediately preceding the effective date of the increase made under the authority of the first sentence of this paragraph; and

(ii) Remits to customers the revenues derived from those price increases, using the methods prescribed in § 300.54(d)(1)(ii).

If the provider increases the price for any other service after charging an increased price under this paragraph, the requirements of paragraphs (a)–(h) of this section will apply to all of the increases in price.

(2) The single State agency for the administration of title XIX of the Social Security Act, as amended July 30, 1965, Public Law 89–97, or, in the case of a State without such an agency, the department of health or welfare as designated by the Governor of the State, is the certifying agent for the purposes of this paragraph. Such certifying agent must receive a certificate of compliance from the Price Commission before it can certify an increase price.

(3) The certifying agent must certify to the Price Commission with respect to the price to be paid for the purchase of health services from skilled nursing homes, extended care facilities or intermediate care facilities—

(i) The former price, the date it was established, the new price, the percentage increase, and the proposed effective date of the new price;

(ii) That the new price is based on uniform rates set by the State, county, or municipal government;

(iii) That the increase is cost related;

(iv) That the increase is necessary to implement and maintain the minimum standards of service required by Federal or State regulations, or both; and

(v) That the increase, in the opinion of the certifying agent, is not inflationary within the meaning of the Economic Stabilization Program guidelines.

[FR Doc.72-17435 Filed 10-6-72;4:46 pm]

# Title 40—PROTECTION OF ENVIRONMENT

## Chapter I—Environmental Protection Agency

## PART 115—STATE CERTIFICATION OF ACTIVITIES REQUIRING A FEDERAL LICENSE OR PERMIT

## PART 123—STATE CERTIFICATION OF ACTIVITIES REQUIRING A FEDERAL LICENSE OR PERMIT

### Redesignation

Pursuant to the provisions of Reorganization Plan No. 3 of 1970 (3 CFR 1970 Comp., p. 199), Part 115 of Title 40 of the Code of Federal Regulations is hereby redesignated as Part 123. This redesignation is made to free a block of numbers in Title 40 for related regulations of the Division of Oil and Hazardous Materials. These regulations will be proposed and published at a later date. No substantive change in the text of former Part 115 is made by this order except that the internal references are hereby changed to refer to the new Part 123.

*Effective date period.* Since the change made by this document is merely an editorial change, notice of proposed rule making under 5 U.S.C. 553, is unnecessary. Accordingly, this amendment is effective upon publication in the FEDERAL REGISTER (10–11–72).

Dated: October 2, 1972.

WILLIAM D. RUCKELSHAUS,
*Administrator.*

[FR Doc.72-17315 Filed 10-10-72;8:47 am]

# Proposed Rule Making

## DEPARTMENT OF THE TREASURY

### Internal Revenue Service

### [ 26 CFR Part 301 ]

### LEVIES ON SALARIES AND WAGES

### Notice of Proposed Rule Making

Notice is hereby given that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing (preferably six copies) to the Commissioner of Internal Revenue, Attention: CC:LR:T, Washington, D.C. 20224, by November 13, 1972. Any written comments or suggestions not specifically designated as confidential in accordance with 26 CFR 601.601 (b) may be inspected by any person upon written request. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner by November 13, 1972. In such case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER unless the person or persons who have requested a hearing withdraw their requests for a hearing before notice of the hearing has been filed with the Office of the Federal Register. The proposed regulations are to be issued under the authority contained in sections 6331(d) and 7805 of the Internal Revenue Code of 1954 (85 Stat. 520, 26 U.S.C. 6331(d); 68A Stat. 917, 26 U.S.C. 7805).

[SEAL] JOHNNIE M. WALTERS,
*Commissioner of Internal Revenue.*

In order to provide regulations under section 6331(d) of the Internal Revenue Code of 1954 as added by section 211 of the Revenue Act of 1971 (85 Stat. 520), the Regulations on Procedure and Administration (26 CFR Part 301) are amended as follows:

PARAGRAPH. 1. Section 301.6331–1 is amended by redesignating subsection (d) as (e), by adding a new subsection (d) immediately after subsection (c), and by revising the historical note. As amended, these redesignated, added, and revised provisions read as follows:

**§ 301.6331 Statutory provisions; levy and distraint.**

SEC. 6331. *Levy and distraint* * * *

(d) *Salary and Wages*—(1) *In general.* Levy may be made under subsection (a) upon the salary or wages of an individual with respect to any unpaid tax only after the Secretary or his delegate has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. No additional notice shall be required in the case of successive levies with respect to such tax.

(2) *Jeopardy.* Paragraph (1) shall not apply to a levy if the Secretary or his delegate has made a finding under the last sentence of subsection (a) that the collection of tax is in jeopardy.

(e) *Cross references.* (1) For provisions relating to jeopardy, see Subchapter A of Chapter 70.

(2) For proceedings applicable to sale of seized property, see section 6335.

[Section 6331 as amended by sec. 104 (a), Federal Tax Lien Act 1966 (80 Stat. 1135); sec. 211 (a) Revenue Act 1971 (85 Stat. 520)]

PAR. 2. Section 301.6331–1 is amended by adding at the end thereof the following new paragraph:

**§ 301.6331–1 Levy and distraint.**

* * * * *

(c) *Notice of intent to levy on salary or wages*—(1) *In general.* Levy may be made under this section upon the salary or wages of an individual with respect to any unpaid tax only after the district director or the director of the service center has notified such individual in writing of his intention to make such levy. Such notice shall be given in person, left at the dwelling or usual place of business of such individual, or shall be sent by mail to such individual's last known address, no less than 10 days before the day of levy. If a notice has been given under this paragraph with respect to an unpaid tax, no further notice is required in the case of successive levies with respect to such unpaid tax. The notice required to be given under this paragraph is in addition to, and may be given at the same time as, the notice and demand described in § 301.6303–1.

(2) *Jeopardy.* Subparagraph (1) of this paragraph shall not apply to a levy if the district director or director of the service center has made a finding under paragraph (a) (2) of this section that the collection of tax is in jeopardy.

(3) *Effective date.* This paragraph shall apply with respect to levies made after March 31, 1972.

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## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

### [ 7 CFR Part 982 ]

### FILBERTS GROWN IN OREGON AND WASHINGTON

### Proposed Expenses of the Filbert Control Board and Rate of Assessment for 1972–73 Fiscal Year

Notice is hereby given of a proposal regarding expenses of the Filbert Control Board for the 1972–73 fiscal year and rate of assessment for that fiscal year, pursuant to §§ 982.60 and 982.61 of the marketing agreement, as amended, and Order No. 982, as amended (7 CFR Part 982; 37 F.R. 588), regulating the handling of filberts grown in Oregon and Washington. The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674).

The Board has recommended for the 1972–73 fiscal year beginning August 1, 1972, a budget of expenses in the total amount of $34,459. Based on the volume of filberts estimated to be subject to this regulatory program during the 1972–73 fiscal year, an assessment rate of 0.20 cent per pound of assessable filberts is expected to provide sufficient funds to meet the estimated expenses of the Board.

Consideration will be given to any written data, views, or arguments pertaining to the proposal which are received by the Hearing Clerk, U.S. Department of Agriculture, Room 112, Administration Building, Washington, D.C. 20250, not later than October 18, 1972. All written submissions made pursuant to this notice should be in quadruplicate and will be made available for public inspection at the office of the Hearing Clerk during regular business hours (7 CFR 1.27(b)).

The proposal is as follows:

**§ 982.317 Expenses of the Filbert Control Board and rate of assessment for the 1972–73 fiscal year.**

(a) *Expenses.* Expenses in the amount of $34,459 are reasonable and likely to be incurred by the Filbert Control Board during the fiscal year beginning August 1, 1972, for its maintenance and functioning and for such purposes as the Secretary may, pursuant to the provisions of this part, determine to be appropriate.

(b) *Rate of assessment.* The rate of assessment for said fiscal year, payable by